



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 24, 2013

ITEM NUMBER: CC 2

**SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION
VACATION OF EXCESS PUBLIC RIGHT-OF-WAY ALONG FULLERTON AVENUE
ADJACENT TO 1826 FULLERTON AVENUE**

DATE: JUNE 13, 2013

**FOR FURTHER INFORMATION CONTACT: AARON HOLLISTER (714) 754-5136
aaron.hollister@costamesaca.gov**

DESCRIPTION

The City of Costa Mesa proposes to vacate a portion of public right-of-way on Fullerton Avenue adjacent to 1826 Fullerton Avenue. Pursuant to Government Code Section 65402, the Costa Mesa Planning Commission must find the vacation of right-of-way to be in conformance with the City's 2000 General Plan. Furthermore, findings of consistency regarding the vacation must be made under Section 8300 et seq. of the California Streets and Highways Code. The Planning Commission must also find that the street vacation will serve the public interest and is a public benefit.

RECOMMENDATION

Adopt attached resolution finding that the proposed street vacation is in conformance with the City of Costa Mesa 2000 General Plan and the California Streets and Highways Code. Additionally, the resolution finds that the street vacation will serve the public interest and is a public benefit.

BACKGROUND

Site Location/Environs

The proposed right-of-way vacation is located adjacent to 1826 Fullerton Avenue near the northeast corner of the intersection of Fullerton Avenue and Magnolia Street. The adjacent property at 1826 Fullerton Avenue is developed with two detached single-family residential structures. One of the two existing detached, single-family residences found on the adjacent property (the northerly residence) at 1826 Fullerton Avenue is currently being re-developed and expanded by the property owner in conjunction with the requested right-of-way vacation. The subject block and much of the surrounding blocks are residential in nature and are typically improved with multi-family residential developments.

ANALYSIS

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires that the Planning Commission review and approve certain actions related to City property. In actions related to acquiring, using, or disposing of property within the City of Costa Mesa, the Planning Commission must make required findings that the proposed vacation or use for conformity with the General Plan. Additionally, Section 8334 of the California Streets and Highways Code allows a local agency to vacate an excess right-of-way not required for street or highway purposes.

At the request of Dustin Campbell, the property owner of 1826 Fullerton Avenue, the Engineering Division is planning to vacate a portion of public right-of-way on Fullerton Avenue. The right-of-way that is to be vacated is 8.7 feet wide and approximately 67 feet in length, as shown in Attachments 1 and 2 in the City Engineer's memorandum.

Staff has found the proposal in compliance with the City's 2000 General Plan and the California Streets and Highways Code for the following reasons:

- *The vacation strictly involves the excess right-of-way and has no impact on Fullerton Avenue.* Fullerton Avenue is designated as a two-lane collector. The remainder of the Fullerton Avenue has been constructed to fulfill the Master Plan of Highways capacity requirement with an existing full width right-of-way of 45 to 50 feet.
- *This portion of the right-of-way serves no public street or highway purpose.* There are no utilities within this portion of right-of-way. Furthermore, the Engineering and Transportation Services Divisions have determined that the proposed portion of Fullerton Avenue to be vacated is not necessary for public street and highway purposes.
- *This portion of the right-of-way is not required for any ingress/egress to private properties.* The property at 1826 Fullerton Avenue is currently being re-developed

with a new single-family residence that will replace one of the two existing single-family residences at the site. The off-street parking for the dwelling unit will continue to be accessed from the Magnolia Street frontage of the subject corner lot instead of the Fullerton Avenue frontage.

- Proposed action conforms to General Plan Goal LU-2. As described in the Land Use Element, it is the City's goal to create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical resources. Additionally, given that the proposed action will not result in any adverse impacts to public utilities or the transportation network, the proposed vacation is in conformance with the General Plan.
- Proposed action conforms to General Plan Goal CIR-1. As described in the Circulation Element, it is the City's goal to provide for a balanced, uncongested, safe, and energy-efficient transportation system. Given that this portion of the public right-of-way serves no public street or highway purpose, the proposed action will not impact the City's transportation system plan.
- Proposed action is anticipated to serve the public interest and is anticipated to be a public benefit. The portion of the Fullerton Avenue being vacated has been found by the Engineering and Transportation Services Divisions not to be useful as a non-motorized transportation facility. As such, the vacation serves the public interest and is a public benefit since the vacated street area is unnecessary for present or future public use.

As a result of the vacation of the right-of-way, the area will revert back to the underlying fee title owner at the adjacent property.

ENVIRONMENTAL DETERMINATION

The street vacation is exempt from the provisions of the California Environmental Quality Act under Section 15312 for Surplus Government Property Sales.

CONCLUSION

The proposed vacation of a portion of right-of-way on Fullerton Avenue adjacent to 1826 Fullerton Avenue is in conformance with the City of Costa Mesa 2000 General Plan and the California Streets and Highways Code. Additionally, the vacation is anticipated to serve the public interest and will be a public benefit


AARON HOLLISTER
Associate Planner


CLAIRE FLYNN, AICP
Asst. Development Services Director

Attachment: 1. Draft Planning Commission Resolution with Exhibit A
2. Correspondence from City Engineer dated June 4, 2013

Distribution: Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
Deputy City Attorney
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

RESOLUTION NO. PC-13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF A PORTION OF RIGHT-OF-WAY ON FULLERTON AVENUE TO THE ADJACENT PROPERTY OWNER OF 1826 FULLERTON AVENUE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN, THE CALIFORNIA STREETS AND HIGHWAYS CODE, CHAPTER 4, SECTIONS 8330 ET SEQ. (PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENT LAW, SUMMARY VACATION) AND WILL SERVE THE PUBLIC INTEREST AND IS A PUBLIC BENEFIT.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa 2000 General Plan was adopted on January 22, 2002;

WHEREAS, the California Government Code 65402, requires the City of Costa Mesa shall not acquire, use, or dispose of any real property until the use of the property has been found in conformance with the City's General Plan;

WHEREAS, The California Streets and Highways Code, Chapter 4, Section 8334(a) allows a local agency to summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes. The proposed right-of-way vacation has been reviewed by the Engineering and Transportation Services Divisions, and based on the existing land use and freeway configuration, it is no longer required for public street and highway purposes.

WHEREAS, the portion of the street being vacated has been found by the Engineering and Transportation Services Divisions not to be useful as a non-motorized transportation facility, and as such, the vacation serves the public interest and is a public benefit since the vacated street area is unnecessary for present or future public use.

WHEREAS, the subject right-of-way adjacent to 1864 Fullerton Avenue is shown in Exhibit A (City Engineer's memo dated June 4, 2013);

WHEREAS, the Costa Mesa Planning Commission has reviewed the proposed abandonment.

STATE OF CALIFORNIA))ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 24, 2013, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of excess right-of-way in conformance with the City of Costa Mesa 2000 General Plan and the California Streets and Highways Code. Furthermore, the Planning Commission finds the street vacation serves the public interest and is a public benefit.

PASSED AND ADOPTED this 24th day of June 2013.

JIM FITZPATRICK, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed street vacation is consistent with the General Plan and the Land Use and Circulation Elements contained therein.
- B. The proposed street vacation is consistent with the provisions of Section 8300 et seq. of the California Streets and Highways Code.
- C. The portion of the Fullerton Avenue being vacated has been found by the Engineering and Transportation Services Divisions not to be useful as a non-motorized transportation facility. As such, the vacation serves the public interest and is a public benefit since the vacated street area is unnecessary for present or future public use.

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

TO: Claire Flynn, Acting Development Services Director

FROM: Fariba Fazeli, Interim City Engineer *FF*

DATE: June 4, 2013

SUBJECT: PROPOSED VACATION OF A PORTION OF FULLERTON AVENUE AT 1826 FULLERTON AVENUE

At the request of Mr. Dustin Campbell (Homeowner), the Engineering Division is preparing to proceed with the vacation of a portion of Fullerton Avenue right-of-way. This portion of Fullerton Avenue is adjacent to Mr. Campbell's property at 1826 Fullerton Street (Attachment 1). In conjunction with the vacation of right-of-way, Mr. Campbell is preparing to build an approved single family detached residence.

Per the current City's Master Plan of Highways, Fullerton Street is designated as a two-lane collector. Per the Transportation Services Division, the remainder of Fullerton Avenue has been constructed to fulfill the Master Plan of Highways' capacity requirement within an existing 45 to 50-foot full-width right-of-way. This results in 8.7 feet of excess right-of-way at this location. The proposed vacation and future dedication would comply with the current standard Primary classification and be consistent with the existing improvements and a 55.3-foot full-width right-of-way would remain with a parkway width of 10 feet on the subject side.

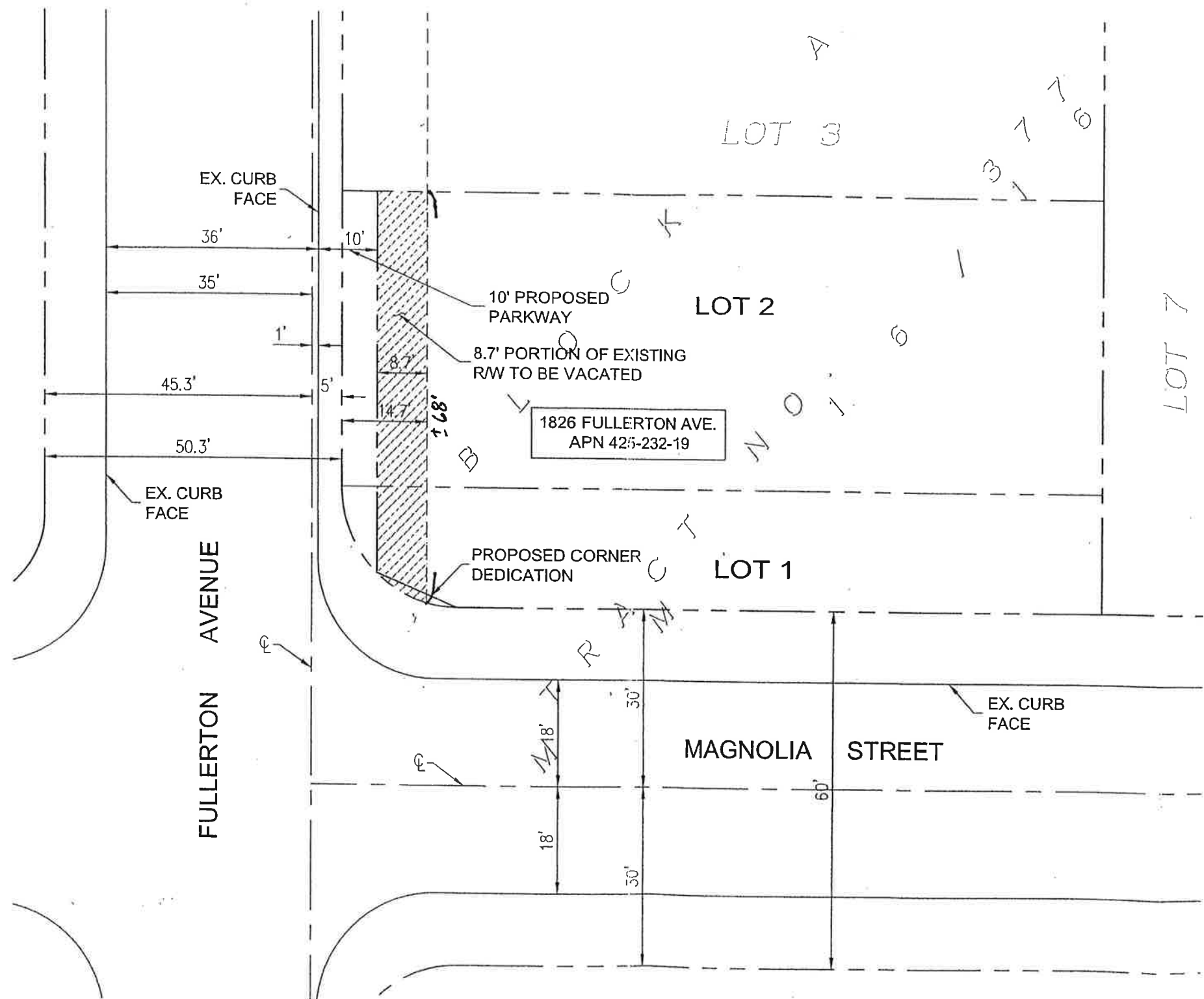
Currently, there are no utilities within this portion of the public right-of-way and therefore, a reservation for a utility easement is not required. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and it has been determined that this portion of Fullerton Avenue is not necessary for public street and highway purposes and consequently is not required for any motorist and/or non-motorist usage. It is therefore, recommended that the proposed vacation continue to be processed and forwarded to the City Council for approval. After the proposed vacation is approved and recorded, the subject vacated property will revert back to the owner of 1826 Fullerton Avenue, Mr. Campbell.

It is requested that the Planning Division provide a determination of consistency with the General Plan and present the vacation of this excess right-of-way to the Planning Commission meeting of June 10, 2013. Please submit a confirmation that this request has been received and scheduled.

Information or assistance required for this project may be obtained from Brad Edwards, Engineering Technician, at extension 5066.

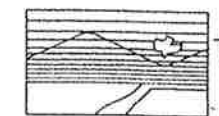
Attachment: 1 - Proposed Vacation of Excess Right-Of-Way

c: Raja Sethuraman, Transportation Services Manager
Brad Edwards, Engineering Technician III



1826 FULLERTON AVE. RIGHT-OF-WAY VACATION EXHIBIT

PREPARED BY:



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